

**Restrictions Requirement**

In the outstanding Office Action, the Examiner has required restriction to one of the following groups under 35 U.S.C. 121:

Group I-VIII: Claims 1-2, 5, 9-11, and 38, drawn to a splicing variant of tumor necrosis factor receptor protein, an expression vector, and a host cell;

Group IX-XVI: Claims 3-4, 31, and 32 drawn to a splicing variant of tumor necrosis factor receptor protein;

Group XVII-XXIV: Claims 6-8, and 34-37, drawn to an antibody to a splicing variant of tumor necrosis factor receptor protein, and quantitating the amount of protein;

Group XXV-XXXII: Claims 16-21, drawn to a method of detecting the presence of a nucleic acid encoding a splicing variant of tumor necrosis factor receptor protein in a sample;

Group XXXIII-XXXX: Claims 22-24, drawn to a method of identifying candidate compounds capable of binding a splicing variant of tumor necrosis factor receptor protein;

Group XXXXI-XXXVIII: Claim 25, drawn to an agonist of a splicing variant of tumor necrosis factor receptor protein;

Group XXXXIX-LVI: Claim 26, drawn to an antagonist of a splicing variant of tumor necrosis factor Group receptor protein;

Group LVII-LXIV: Claims 27-30, drawn to a method of determining a splicing variant of tumor necrosis factor receptor protein in a sample using an antibody; and

Group LXV-LXXII: Claims 12-15, and 33 drawn to pharmaceutical compositions for gene therapy.

Applicants respectfully traverse the outstanding Restriction Requirement. Applicants hereby incorporate all arguments previously made on the record. Applicants further point out that the Examiner has not responded to any of the arguments presented in the March 12, 2001 submission. That is, the Examiner has provided no support for the departure of the USPTO with the Commissioner's partial waiver of the requirements of 37 C.F.R. 1.141 et seq. concerning nucleotide sequences.

Nevertheless, in order to be fully responsive to the outstanding Restriction Requirement, Applicants hereby elect Group I, directed to claims 1-2, 5, 9-11, and 38. As indicated above and in previous responses, this is an election with traverse.

Applicants further remind the Examiner that upon indication of allowable product claim language, method of


use and/or method of making claims which incorporate the allowable product claim language are likewise allowable and should be rejoined. This is of particular relevance to claims 16, 17, 18, 19, 20, 21, 22, 23 and 24.

If the Examiner has any questions or comments, please contact Craig A. McRobbie, Registration No. 42,874 at the offices of Birch, Stewart, Kolasch and Birch, LLP.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

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